

prefreezing the primary explant to a temperature between -20°C and -40°C; and cryofreezing the primary explant.

31. (Amended) A process for the cryo-preservation of a primary explant comprising the steps of:

incubating a planting tissue in an induction medium for a time sufficient to induce a primary explant; and

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cryofreezing the primary explant.

32. (Amended) The process of claim 31, further comprising the step of dehydrating the primary explant to a water content of at least 28 g/100g dry weight.

REMARKS

Claims 14 -33, as amended, appear in this application for the Examiner's review and consideration. Claims 14, 24 and 31-32 were amended to correct some minor informalities. No new matter has been added.

Claims 14-33 were rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not supported by the original specification. More specifically, the Examiner objects to the insertion of the phrase "a primary regenerating tissue but not a somatic embryo" in claim 14, and the phrase "a primary explant but not a somatic embryo" in claims 24 and 31. The Examiner states that the generic disclosure excludes only "a later development stage of a plant," but not somatic embryo as the amended claims recite.

Applicants respectfully traverse.

It is explicitly stated in the specification that explants in developmental late stages include "zygotic and somatic embryos, meristems, etc." (lines 25-26, page 1). Since the Examiner concedes that a later development stage of a plant is excluded in the general disclosure of the present invention, the insertion of the limitation "but not a somatic embryo" to a primary explant is not new matter. However, since the term "primary" in "a primary regenerating tissue" and "a primary explant" excludes by implication "a somatic embryo," Applicants have amended claims 14, 24 and 31 to omit the limitation "but not a somatic embryo." Thus, the Examiner's rejection has been overcome and should be withdrawn.

Claims 24-30 and 32 were rejected under 35 U.S.C. 112, first paragraph, for allegedly containing subject matter which was not supported by the original specification. Specifically,